

## Welcome to the Early Morning Discussion!

### Legal Aspects of Asking for Identification and Providing Testing Services for Immigrants

## DPH Memo – 11/18/02

- Provides guidance around
  - “Testing Services for Immigrants Seeking [USCIS] Change in Status”
  - “Routine Immunization and Communicable Disease Services to Immigrants”
- Legal content still current; although a few minor updates

## Immigrant Medical Exam is for Adjustment of Status (Form I-693)

- The purpose of the exam is to determine whether the applicant has a health condition that renders the applicant inadmissible (Communicable Disease of PH significance, failure to show proof of required vaccinations, physical or mental disorder with associated harmful behavior, or drug abuse or addition).
- Exams must be completely performed and overseen by a registered civil surgeon.  
Exception: Health Depts may be able to complete vaccination portion for refugees.

## DPH Memo – Testing Highlights

- Health Depts have no legal or PH responsibility to provide testing for immigrants referred by civil surgeons to meet “USCIS” requirements only.
- State TB/CD program funds canNOT be used to fund testing and services for just the purpose of the USCIS immigrant exam.
- Health Depts that may choose to contract with a civil surgeon to provide testing for the USCIS immigrant exam should see memo for more information.

## DPH Memo – Routine Services Highlights

- PRIMARY MISSION of the health department is to provide critical, mandated PH services to vulnerable populations who might otherwise have no access to care.
- Health Depts may provide routine Immunization and Communicable Disease, including TB, services to all individuals, including immigrants, without requiring personal identification and documentation criteria.
- Health Depts must keep in mind that getting involved in identification issues may create barriers and decrease access to care.

## Consolidated Agreement

- “A local health department may not require a client to present identification that includes a picture of the client for at least **immunization, pregnancy prevention, sexually transmitted disease and communicable disease services.**”

## So...

- Question: “Can we ask for identification?”
- Answer: Yes, but you must ask it for all patients for that service. If patient refuses to give identification particularly for immunization, pregnancy prevention, and communicable disease/TB services, service must still be provided.

## Summary

- “Immigrants are eligible for all health department services offered to the public based on the same criteria used for testing and treating any individual in the community.”